



Paul Helliher  
Director

# Department of Pesticide Regulation



Gray Davis  
Governor  
Winston H. Hickox  
Secretary, California  
Environmental  
Protection Agency

December 2, 2002

EXECUTIVE OFFICE #02-03

TO: County Agricultural Commissioners

SUBJECT: NEW PROCEDURES FOR COUNTY EFFECTIVENESS EVALUATIONS  
FOR FISCAL YEAR 2002/03

Regulation amendments to Title 3 California Code of Regulations (3 CCR) section 6394, effective July 1, 2002 (attached), changed how we measure county agricultural commissioner (CAC) effectiveness in implementing the pesticide regulatory program at the county level. We no longer have the opportunity of "testing" this new process on a few pilot counties like we had originally intended. We are required to implement it statewide this fiscal year. The mill assessment disbursement for fiscal year 2002/03, already five months old, will be based on this evaluation. However, please keep in mind that the disbursement received by the counties in April 2003 will not be impacted since it will be based upon the language of 3 CCR section 6394 prior to the adopted amendments this past July.

The amended regulations no longer provide for a "mid-year" report. The pesticide program effectiveness evaluation is now an ongoing process. Therefore, it is important that the CAC and the Department of Pesticide Regulation (DPR) evaluator work closely during the year to avoid any end-of-year misunderstandings. Another important point to note is that the format will change from the former check-box response to a narrative evaluation which will provide a more detailed account of the CAC pesticide regulatory program.

## BACKGROUND

Food and Agricultural Code (FAC) section 12844 was amended in 1997 to change the way the mill assessment funds were split between DPR and the CACs. This amendment also required changes to pest control activities and workload criteria used to distribute funds to the counties. FAC section 12844 requires the Director and CACs to jointly develop regulations specifying the criteria to be used in allocating the mill assessment funds to each county based upon four factors--pest control activities, cost, workload, and performance.

DPR, working with the CACs through the mill assessment disbursement (MAD) team, amended the payment schedule in 3 CCR section 6391, the types of pest control activities for which funding is allocated, and the levels of funding assigned to each criteria item in 3 CCR

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section 6393. Since the revisions to FAC 12844 did not impact performance, DPR did not propose changes to 3 CCR section 6394 (Effectiveness Evaluation) at that time. The MAD team however, did develop proposed changes to this section.

In order to make effectiveness evaluation an integral part of a quality improvement component, DPR implemented the recommendations of the MAD team and amended 3 CCR section 6394 in 2002. Amendments to 3 CCR section 6394 are intended to provide DPR, CACs, and external stakeholders with information that will facilitate program improvement, assist resource allocation, and allow DPR and CACs to work together to improve deficient program areas.

Amended 3 CCR section 6394(b) requires the Director to provide information to CACs concerning all aspects of a county's pesticide use enforcement program and to work together to develop actions for correction of identified deficiencies. This will provide CACs with better information concerning their program's strengths and weaknesses which, in turn, will allow for better allocation of limited resources. The requirement to jointly develop corrective actions will allow for both DPR and CACs to make a stronger, more visible commitment to program improvements in a county.

#### DIRECTOR'S ESSENTIAL PROGRAM ELEMENTS

There are eight elements that make up the Director's Essential Program Elements document (see attached copy). This is a fluid document and we should begin now to identify any needed changes for the next fiscal year. Each element in this document is prefaced by an element description, a reference list that cites statutory and regulatory authority and DPR program policy and procedure, and liaison/evaluator guidance to help direct DPR staff and encourage uniformity and consistency in the evaluations and reports.

Under each element, there is a list of expectations, which establish the framework or "structure" for each element. It is the evaluator's task to evaluate each expectation. Through the evaluation, the evaluator will collect facts and documents to support their assessment of how the county administers each expectation in each program element. The evaluator will analyze each expectation and report the findings in a narrative format. The effectiveness evaluation process will also include interviews with the CAC and the pesticide deputy.

In fairness to my staff who will be conducting these increasingly complex evaluations, it is imperative that guidance be issued immediately so they may begin. Since time is of the essence, I have chosen to adopt the Director's Essential Program Elements for the current year that closely follow the elements jointly developed by DPR and the CACs through the MAD team.

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For your information, also attached are the initial directions to guide the liaison/evaluator in conducting the evaluation and preparing the report. It is only fair to you that all evaluations be conducted and reported in a consistent manner. This too is a fluid document, and needed changes identified this year can be incorporated for 2003/04 fiscal year.

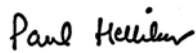
#### APPEALS

Title 3 CCR section 6394(b) provides for appeal to the DPR Director if there are conflicts concerning the evaluation results and effectiveness assessment. I am delegating this responsibility to Mr. Scott T. Paulsen, Chief of DPR's Enforcement Branch.

If you and the evaluator do not agree on the evaluation results and effectiveness assessment or cannot reach consensus on the corrective actions needed, and you wish to appeal the issue to DPR, please contact Mr. Paulsen within two weeks of receiving the **completed** effectiveness evaluation report from your evaluator and indicate your intention to appeal. This will serve to alert all concerned that the report should not yet be considered **final** pursuant to 3 CCR section 6394.

If you have any questions about the county effectiveness evaluation process, please contact Mr. Paulsen at (916) 324-4100, or <spaulsen@cdpr.ca.gov>.

Sincerely,



Paul Helliker  
Director  
(916) 445-4000

Attachments

cc: Mr. Scott T. Paulsen (w/Attachments)  
Mr. Daniel J. Merkley, Agricultural Commissioner Liaison (w/Attachments)

TITLE 3 CALIFORNIA CODE OF REGULATIONS  
Changes effective July 1, 2002

6394. Effectiveness Evaluation.

(a) The Director shall annually evaluate the pesticide use enforcement program in each county. The evaluations shall be in accordance with the essential program element guidelines recognized by the Director.

(b) The Director shall provide a report to each commissioner that documents the evaluation results, assesses the effectiveness of the county's pesticide use enforcement program, and identifies corrective actions. The report shall identify the program areas that meet, exceed, or do not meet the essential program element guidelines recognized by the Director. For program areas that do not meet these guidelines, the commissioner and the Director shall jointly develop corrective actions to address deficient program areas.

The commissioner may appeal to the Director to resolve conflicts concerning the evaluation results and the effectiveness assessment. The evaluation report will become final when conflicts are resolved and corrective actions, if needed, are identified.

(c) When any program fails to implement the jointly developed corrective actions included in the evaluation report, the Director shall take measures to improve the effectiveness of the county's pesticide use enforcement program. The measures may include but are not limited to, a reduction not to exceed 25 percent in the county's annual mill assessment allocation for the essential program elements recognized by the Director.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.  
Reference: Sections 2281 and 12844, Food and Agricultural Code.

**Department of Pesticide Regulation**  
**Director's Essential Program Elements**  
*For Evaluating Effectiveness of County Pesticide Use Enforcement Programs*

This document is a list of the elements recognized by the Director as necessary to communicate expectations for county Pesticide Use Enforcement Programs and guidelines to standardize the reporting of county program effectiveness. The "Director's Essential Program Elements" has been developed in accordance with the requirement of Title 3 California Code of Regulations (3CCR) section 6394.

Director's Essential Program Elements

- Enforcement and Compliance Actions
- Investigations (Nonpriority & Priority Investigations)
- Pest Control Evaluations
- Pesticide Use Reporting System
- Private Applicator Certification Program
- County Registration/Notification of Licensees
- Restricted Material Permit System (Permit Application Evaluation & Permit Monitoring)
- Negotiated Work Plan

For purposes of developing the annual Effectiveness Evaluation, this document contains a "template" (or standardized paragraph outline) for the Senior Pesticide Use Specialist (Evaluator) to use when conducting evaluations of the county program. For this year, the Effectiveness Evaluation will be presented in a standardized narrative form.

The templates address each Essential Program Element. The Essential Program Element is followed by a numbered "expectation" and a series of questions to "analyze" whether the expectation was met. Each numbered expectation and the following "analysis" questions are the basis for a standardized narrative paragraph.

For the opening sentence of the paragraph, the Evaluator will respond to the expectation with a complete sentence, positively or negatively. Then, the Evaluator should address each of the lettered "analytical" questions to support the opening sentence. Although some of the questions are subjective, to the greatest extent possible, the Evaluator should answer in a factual manner, with the addition of examples or descriptions as necessary. The "bullet" questions are optional and are intended to provide additional information to support statements. The Evaluator may make additional, appropriate comments or statements, if necessary or valuable.

Some of the analysis questions may seem duplicative; they are not. They simply provide a framework for a standard, easy-to-read, narrative report.

## **Enforcement and Compliance Actions**

### **DESCRIPTION**

The Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners (CAC) administer a comprehensive pesticide enforcement program at the state and local levels. The Food and Agricultural Code (FAC) authorizes CACs to levy civil penalties, suspend, cancel, or deny restricted material permits or county registrations; issue cease and desist orders; initiate other types of enforcement and compliance actions against violators; and initiate actions to immediately protect the public health and safety. CACs base the level of their enforcement actions on the seriousness of the violation and the enforcement options available to them. Institutional guidance regarding the type of action available to them for a particular violation can be found in the Enforcement Guidelines, an enforcement policy jointly developed by DPR and the CACs; 3CCR section 6130; and Title 16, California Code of Regulations (16CCR) section 1922 (3CCR section 6130 and 16CCR section 1922 are also referred to as the “fine guidelines”). The Enforcement Guidelines and fine guidelines allow CACs to impose consistent enforcement responses to violations while taking into consideration diverse geographical and agricultural regions and local resources.

### **REFERENCES**

1. California Food and Agricultural Code, Divisions 6 and 7 (FAC) – available online;
2. California Code of Regulations, Title 3 (3CCR) – available online;
3. California Business and Professions Code (B&PC) – available online;
4. California Code of Regulations, Title 16 (16CCR) – available online;
5. Enforcement Guidelines, developed by DPR and the California Agricultural Commissioner and Sealers Association (CACASA) – not yet available online;
6. Hearing Officer Sourcebook, developed by DPR – not yet available online;
7. Manual of Procedural Guidance for Pesticide Enforcement Personnel – available online;
8. Various “Enforcement Letters” (ENF) – 1997 and later available online.

### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress, records, documents, inspection forms, and investigations, specifically, pest control evaluations with noncompliances, investigations with noncompliances, appropriate compliance histories; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as hearings, discussions about proposed actions, discussions about the Enforcement Guidelines, etc.; note problems and discuss with CAC or appropriate CAC staff.

## **Enforcement and Compliance Actions Template**

### **EXPECTATIONS AND ANALYSIS**

- 1. The CAC determines the most appropriate action once violation(s) have been identified.**
  - a. Do the cited sections accurately reflect the violation(s)?
  - b. How does the CAC decide the most appropriate action once violation(s) have been identified?
  - c. How does the CAC follow the Enforcement Guidelines?
    - Provide example or describe:
      - (1) How does the CAC use the decision trees to determine the appropriate action?
      - (2) Does the CAC complete a "Decision Report" when required by the decision tree?
    - If not, provide detailed explanation of the system used by the CAC.
- 2. The CAC initiates the most appropriate action, e.g., enforcement, compliance or public protection.** Appropriate enforcement responses (compliance, enforcement or public protection actions) may be dependent upon the violator's compliance history.
  - a. Does the CAC track violator's history or utilize DPR databases available to them?
    - If so, is the CAC's tracking system effective? Describe the system.
    - If not, explain.
    - How does the CAC select the most appropriate action for the violation?
  - b. Describe the method(s) by which the CAC issues compliance actions, e.g., violation notice, warning letter, etc.
    - If not, briefly describe strengths or weaknesses.
- 3. Documentation is sufficient to support any compliance, enforcement or public protection action.**
  - a. Is the documentation sufficient to support the compliance, enforcement or public protection action?
- 4. When levying fines, the CAC proposes appropriate fine levels.**
  - a. Does the CAC follow the fine guidelines in a manner consistent with 3CCR section 6130 and 16CCR section 1922?

**Enforcement and Compliance Actions Template, continued**

5. **The CAC ensures due process requirements are met when levying a fine or initiating a licensing /registration action.**
  - Does the Notice of Proposed Action (NOPA) adequately advise respondents of the alleged violations, the proposed fine level, and their right for an opportunity to be heard?
    - Attach a copy of the CAC's template(s) for NOPAs.
    - Are NOPA and appeal notification documents consistent with the requirements of FAC section 12999.5; and Business Professions Code (BPC) section 8617?
6. The CAC adheres to statutory time frames when initiating enforcement actions.
  - Does the CAC adhere to statutory time frames when initiating enforcement actions?
    - Briefly describe the process (if available).
7. The CAC follows current policies when they impose civil penalties on employees.
  - Does the CAC follow current policies when they impose civil penalties against employees?
    - Briefly describe any policy deviations.
    - Attach a copy of written CAC policies (if available), if the CAC is using policies to augment DPR policies or is using policies that are specifically not in agreement with DPR policies (e.g., ENF 01-055).
8. The CAC submits a Pesticide Enforcement/Compliance Action Summary Form for each enforcement, compliance and/or public protection action initiated.
  - a. Has the CAC submitted a summary form for each action?
  - b. Are the forms complete and accurate?
    - If there are problems with the submitted forms, briefly describe and provide examples.



## Investigations

### DESCRIPTION

CACs investigate all pesticide-related complaints. The complaints may involve human effects, property damage or loss, environmental effects or other pesticide related incidents. The CAC's primary concern is to ensure compliance with laws and regulations; however, they and DPR may use information gathered during investigations to evaluate pesticide use patterns, to gauge the effectiveness of the regulatory program, and to support enforcement actions.

Human effects are incidents where people may be injured by, or made ill from, pesticide exposure. Human effects episodes can arise from pest control equipment or aircraft mishaps, pesticide handler accidents, exposure to residues in treated areas, and/or exposure from the offsite movement of pesticides (also known as "drift") or residues.

Property damage or loss incidents are episodes that may involve contamination or damage to property. Examples of some property loss episodes include: plant damage resulting from drift of an herbicide, bee kills, domestic animal poisoning, residues that result in the inability to market crops or animals, phytotoxic effects or non-performance of a pesticide with subsequent pest damage.

Environmental effects are episodes that may involve contamination or damage to the environment. Examples of environmental effects include: fish or wildlife kills, lake or stream contamination, groundwater contamination, air pollution or land contamination.

### REFERENCES

1. Pesticide Episode Investigation Procedures Manual (PEIPM) – available online;
2. Pesticide Enforcement Investigative Sampling Manual (PEISM) – available online;
3. Pesticide/Wildlife Incident Response Plan – available online;
4. Manual of Procedural Guidance for Pesticide Use Enforcement Personnel – available online;
5. U.S. EPA / DPR / CACASA Memorandum of Understanding – available online;
6. Various "Enforcement Letters" (ENF) – 1997 and later available online.

### **Investigations, continued**

#### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress, records, documents, and nonpriority investigations or priority incident investigations, complaint forms or other methods of documenting complaints, sampling forms, witness statements, or other appropriate records; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as investigations, hearings, training, discussions about proposed actions, suggest specific improvements to investigation reports, etc.; note problems and discuss with CAC or appropriate CAC staff.

## **Investigations Template**

### **EXPECTATIONS AND ANALYSIS - NONPRIORITY INVESTIGATIONS**

- 1. The CAC initiates and completes pesticide-related investigations.**
  - Identify the number and types of pesticide-related investigations initiated and completed by the CAC during the fiscal year under evaluation.
- 2. The CAC's staff is qualified to perform investigations.**
  - Identify the level of staff training (recent training, staff attending) and describe quality of the investigation reports.
    - If necessary, describe training needs.
- 3. The CAC responds to complaints or incidents that may be related to pesticides.**
  - Does the CAC respond to complaints or incidents that may be related to pesticides?
    - Did the CAC fully document results of their response(s)?
- 4. The CAC refers complaints or incidents to DPR and any other appropriate agencies.**
  - a. Did the CAC refer any complaints or incidents to other agencies or to DPR?
    - Identify other agencies contacted for referrals.
  - b. Did the CAC work with other agencies to complete any investigations?
    - If so, was the collaboration part of an existing memorandum of understanding (MOU) or voluntary?
- 5. The CAC investigates pesticide-related complaints or incidents.**
  - a. How does the CAC investigate pesticide-related complaints or incidents?
  - b. Does the CAC follow written DPR investigation policies and procedures?
    - If not, describe CACs procedures.
- 6. Investigations are thorough and complete.**
  - a. Were investigations thorough?
    - If not, briefly describe weaknesses.
  - b. Were all complainants, potential witnesses, and applicators interviewed?
    - If not, explain.
  - c. Did the investigation report identify the pesticides by brand name and U.S. Environmental Protection Agency registration number?

**Investigations Template, continued**

- d. Did the investigation reports identify pesticide violations?
    - Is documentation generally sufficient to support a compliance, enforcement or public protection action, if warranted?
  - e. If samples were collected, were they collected in accordance with sampling procedures?
- 7. Investigations are completed in a timely manner?**
- Were the investigations completed in a timely manner?
    - If not, explain.
    - If any part of this analysis is based upon input from the Worker Health and Safety Branch, provide a summary of their comments or a copy of appropriate correspondence.
- 8. Investigations are submitted to DPR in accordance with established policies.**
- Does the CAC submit investigation reports to DPR in accordance with established policies?
    - If not, explain.
- 9. The CAC takes steps to confidentially interview employees during non-priority investigations.**
- Describe steps the CAC takes to confidentially interview employees and/or otherwise prevent retaliation to employees interviewed during non-priority investigations.
    - Did these steps include reasonable measures to prevent retaliation to employees?
    - Are the steps consistent with 3CCR section 6141, and/or the PEIPM?
    - If no steps are taken, note it.

## Investigations Template

### EXPECTATIONS AND ANALYSIS - PRIORITY INVESTIGATIONS

1. **The CAC initiates and completes priority investigations.**
  - Identify the number and types of priority investigations initiated and completed by the CAC during the fiscal year under evaluation.
2. **The CAC's staff is qualified to perform priority investigations.**
  - Identify the level of staff training (recent training, staff attending) and describe quality of the investigation reports.
    - If necessary, describe training needs.
3. **The CAC accurately identifies all priority investigations in accordance with the priority investigation criteria and immediately reports these investigations to DPR.**
  - a. Did the CAC accurately identify all priority investigations?
    - If no, provide example(s).
  - b. The CAC immediately report priority investigations to DPR?
    - If no, provide example(s).
4. **CAC responds to priority incidents.**
  - a. How does the CAC respond to priority incidents?
  - b. Did the CAC respond to all priority incidents and fully document the results of the investigations?
5. **The CAC refers priority incidents to DPR and any other appropriate agencies.**
  - a. Did the CAC refer any priorities to DPR and other appropriate agencies?
  - b. Did the CAC work with other agencies to complete any investigations?
    - If so, was the collaboration part of an existing MOU or voluntary?
6. **Priority investigations are thorough and complete.**
  - a. Were priority investigations thorough?
    - If not, briefly describe weaknesses.
  - b. Were all complainants, potential witnesses, and applicators interviewed?
    - If not, explain.
  - c. Did the priority investigation report identify the pesticides by brand name and U.S. Environmental Protection Agency registration number?
  - d. Did the priority investigation reports identify pesticide violations?
    - Is the documentation sufficient to support a compliance, enforcement or public protection action, if warranted.
  - e. If samples were collected, were they collected in accordance with sampling procedures?

### **Investigations Template, continued**

- 7. The CAC meets all priority investigation time lines.**
  - a. Does the CAC meet all priority investigation timelines?
  - b. Are priority investigations initiated within two working days of the referral?
    - If no, provide example(s).
  - c. Does the CAC provide preliminary information to DPR staff within 15 days of the referral?
    - If no, provide example(s).
  - d. Does the CAC submit the final investigation report within 45 days of the referral?
    - If no, provide example(s).
  - e. Does county request extension for investigations that may not be completed within the timelines as stated in DPR guidelines?
- 8. Priority Episode Investigation Reports are submitted to DPR in accordance with DPR policies.**
  - Are Priority Episode Investigation Reports submitted to DPR in accordance with DPR policies?
    - If not, provide example(s) and briefly explain.
- 9. The CAC takes steps to confidentially interview employees during priority investigations.**
  - Describe steps the CAC takes to confidentially interview employees and/or otherwise prevent retaliation to employees interviewed during priority investigations.
    - Did these steps include reasonable measures to prevent retaliation to employees?
    - Are the steps consistent with 3CCR section 6141, and/or the PEIPM?
    - If no steps are taken, note it.

## **Pest Control Evaluations**

### **DESCRIPTION**

County agricultural commissioners (CACs) monitor and evaluate pesticide-handling activities, pesticide application equipment, pesticide storage sites, field worker safety, and pesticide records. Application sites are evaluated before restricted use pesticides are allowed to be applied. Pest control evaluations also assess individual, business, and government agency compliance with applicable laws and regulations. In addition to the regulatory oversight aspect of this activity, information collected and observations made as a result of this activity assist the Department of Pesticide Regulation (DPR) and CACs to prioritize future regulatory and compliance assistance activities, such as training, outreach, inspection and enforcement. Inspection forms (for monitoring and evaluation activities) are provided by DPR.

### **PESTICIDE USE MONITORING INSPECTIONS**

Pesticide Use Monitoring Inspections activities include the following: monitoring pesticide mixing, loading and applications; conducting pre-site application evaluations; and evaluating field worker safety. Inspection activities also document compliance with label requirements, laws and regulations, and restricted materials permit conditions. Activities of handlers, field workers, employers, employees and other persons (who may be conducting any pesticide-related activity) may be evaluated during inspections. Some aspects of this activity contribute to fulfillment of requirements under the California Environmental Quality Act and/or occupational safety laws and regulations.

### **RECORDS INSPECTIONS**

Records Inspections activities include the following: evaluation of a growers headquarters and employee safety records; evaluation of pest control business employee safety records; evaluation of pesticide dealer records, and agricultural pest control adviser records; and the pesticide storage area inspection activity. This inspection activity is primarily intended to document the employer's compliance with worker safety provisions of applicable laws and regulations. In addition, headquarters and employee safety inspections are conducted as a follow-up activity for Pesticide Use Monitoring Inspections or as part of the inquiry process when worker safety violations are noted during inspections or during an investigation.

### **REFERENCES**

1. DPR Inspection Procedures – available online;
2. Structural Inspection Procedures – available online;
3. Manual of Procedural Guidance for Pesticide Enforcement Personnel – available online;
4. California Code of Regulations, Title 3 (3CCR) – available online;

**Pest Control Evaluations, continued**

5. California Food and Agricultural Code, Divisions 6 and 7 (FAC) – available online;
6. Business and Professions Code (BP&C) – available online;
7. Various “Enforcement Letters” (ENF) – 1997 and later available online.

**LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress, records, documents, inspection forms, follow-up inspections or investigations, pest control evaluations with noncompliances; compliance histories; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as oversight inspections, training, inspection planning activities; note problems and discuss with CAC or appropriate CAC staff.



## **Pest Control Evaluations Template**

### EXPECTATIONS AND ANALYSIS

- 1. The CAC conducts inspections to evaluate pest control activities.**
  - Identify the number and types of inspections conducted by the CAC's staff during the fiscal year under evaluation
- 2. The CAC's staff is qualified to perform pest control evaluation inspections.**
  - a. Identify the level of staff training (recent training, staff attending) and describe the quality of the pest control evaluations.
    - If necessary, describe training needs.
  - b. Are inspections performed and signed by personnel who possess a license in pesticide regulation or by personnel who are qualified to take the exam and are working under the supervision of licensed personnel?
- 3. CACs conduct pesticide use monitoring and records inspections according to DPR policies and procedures.**
  - a. What does the CAC do to ensure that appropriate inspection procedures are followed?
  - b. Are DPR policies and procedures followed?
    - If not, provide example(s) and describe specific problems (if any).
  - c. CAC staff follow guidance, procedures or techniques provided in DPR training programs?
    - If not, briefly provide general examples and suggest improvements.
    - Briefly describe any county policies or procedures that improve upon or exceed DPR pesticide use monitoring and records inspections policies and procedures, if applicable.
- 4. The CAC's staff participates in oversight inspections with DPR staff.**
  - a. Describe the results of oversight inspections conducted by DPR staff with the CAC's staff.
  - b. Identify and briefly summarize the oversight inspections used to analyze this item.
    - Briefly describe any inspection weaknesses that could be strengthened by specific training opportunities.
    - Briefly describe any inspection weaknesses that could be improved by adherence to DPR policies and procedures.
    - Attach copies of oversight inspections that may be subject to further discussion during the analysis and evaluation process.
  - c. Summarize CAC inspection strengths or weaknesses.

**Pest Control Evaluations Template, continued**

**5. Pest control evaluation activities are thorough and complete.**

- a. Describe the method used by the CAC to select or guide the choice of the inspections conducted by their staff.
  - How are inspections prioritized?
  - Are all geographic areas of the county inspected?
- b. Are the inspections thorough?
  - Is all information required by the form provided by the inspector or supervisor?
  - If not, provide example(s) and describe specific problems.
  - Note any exceptional or innovative methods used by the CAC to ensure inspections are thorough.
- c. Do the inspection form comments and information provide documentation sufficient to facilitate limited analysis of the inspection record by a person who was not present at the inspection?
  - If not, provide example(s) and describe specific problems.
- d. Does the county provide appropriate additional documentation not required by the inspection forms (if necessary)?
  - If yes, briefly describe.
  - If not, briefly describe specific problems caused by insufficient documentation.
  - Note any exceptional or innovative inspection documentation techniques used by the county.
  - Note any specific county policies or procedures that encourage or discourage inspectors to provide additional relevant documentation on inspection forms.

**6. The CAC documents violations in a manner consistent with DPR policies.**

- a. Describe how the CAC documents violations.
- b. Is the documentation sufficient to support a compliance or enforcement action if warranted?
  - If not, why?
  - Note any specific county policies or procedures or directions that encourage or discourage inspectors to document or not document violations.

**7. The CAC ensures that follow-up inspections are completed.**

- a. Does the CAC ensure that follow-up inspections are completed?
- b. How does the CAC ensure that follow-up inspections are completed?
  - If not, briefly describe the reasons provided by the CAC.

## **Pesticide Use Reporting System**

### **DESCRIPTION**

The Department of Pesticide Regulation (DPR) administers a comprehensive Pesticide Use Reporting System at the state level and provides support for administration of pesticide use reporting activities at the local level. The local administrator is the county agricultural commissioner (CAC). Data collected from the Pesticide Use Reporting System assists pesticide regulators in making critical decisions about pesticides based upon “real-world” information. The operator and site identification numbers, issued by the CACs, are used to facilitate data review and research about pesticide use in California. Pesticide users submit pesticide use reports (PUR) to the CACs. The CACs provide the PURs, or information from the PURs, to DPR.

PURs are required from persons who apply pesticides:

- For an agricultural use, excluding use on livestock.
- Identified as restricted materials in 3CCR, section 6400.
- For industrial post-harvest commodity treatment.
- Identified as ground water contaminants, 3CCR section 6800, for any outdoor industrial or outdoor institutional uses.
- For use in the business of pest control.

### **REFERENCES**

1. California Food and Agricultural Code, Divisions 6 and 7 (FAC) - available online;
2. California Code of Regulation, Title 3 (3CCR) - available online;
3. Manual of Procedural Guidance for Pesticide Enforcement Personnel - available online;
4. Pesticide Use Reporting, An Overview of California's Unique Full Reporting System - available online;
5. Various Enforcement Letters” (ENF), including ENF 99-044 – 1997 and later available online.

### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review reports; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as training, operator identification number, and site identification number issuance; note problems and discuss with CAC or appropriate CAC staff; be available to Pest Management and Licensing staff to discuss or resolve specific PUR issues.

## Pesticide Use Reporting System Template

### EXPECTATIONS AND ANALYSIS

1. **The CAC issues operator identification numbers according to DPR policies and regulatory requirements.**
  - a. Describe the process/procedures used by the CAC to issue operator identification numbers.
2. **The CAC issues site identification numbers according to DPR policies and regulatory requirements.**
  - a. Describe the process/procedures used by the CAC to issue site identification numbers.
    - How does the CAC use a Geographic Information System (GIS) to identify sites?
  - b. Describe the system in use:
    - Is each site a contiguous area, which has only one operator and is subject to the same pest management and cultural practices?
      - Does the CAC apply this policy to all sites regardless of acreage or crops planted?
      - Does the CAC handle very small sites, which have constantly changing commodities (e.g., vegetable crops)?
      - How does the CAC identify very small sites?
    - Is each site identification (in combination with the operator identification) unique to the “site” it represents?
      - Does the site identification refer to a physical location (instead of the commodity grown at that location)?
    - When does the CAC change the site identification for a specific site? *The site identification policy (ENF 99 -044) allows a site identification change only when the site boundaries or property operators change (site identification changes are not to be used for “crop” changes).*
    - Is each site equal to or less than 160 acres, and contained within one mapped section of land? *This question would only apply to systems that do not utilize GIS.*
    - How does the CAC apply the site identification policy to interplanted crops or subsequent plantings of the same crop?
    - Are DPR policies followed when it is necessary to issue site identification numbers for special situations? (e.g., mushroom and nursery operations).

**Pesticide Use Reporting System Template, continued**

- 3. The CAC identifies late PURs or non-reporting violations (including “negative PURs”).**
  - a. Describe the system used by the CAC to identify late PURs or non-reporting violations.
  - b. Describe the CACs follow-up activities when reporting problems are identified.
    - How often does late or non-reporting result in a compliance action?
    - How often does late or non-reporting result in an enforcement action?
- 4. The CAC reviews PURs for accuracy and completeness.**
  - a. Describe how the PURs are reviewed.
    - Note whether the CAC’s “reviewers” are licensed or unlicensed.
  - b. Quantify PURs received and reviewed (*approximation, actual quantity or percent are sufficient*).
  - c. Describe the CACs procedure for making corrections to PURs returned by DPR.
    - Approximate the quantity of PURs returned by DPR for corrections.
    - Summarize the reasons PURs have been returned for corrections.
  - d. Briefly describe the CACs response/process when a PUR review indicates a suspected misuse of a pesticide.

## **Private Applicator Certification**

### **DESCRIPTION**

California's Private Applicator Certification Program, administered at the local level by county agricultural commissioners (CAC), allows the Department of Pesticide Regulation (DPR) to fulfill certain requirements necessary for the Administrator of the U. S. Environmental Protection Agency (U.S. EPA) to authorize state enforcement primacy and, by extension, DPR's licensing and certification program. The Administrator cannot authorize the state program unless DPR can demonstrate its adherence to specific provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Title 40 of the Code of Federal Regulations (40CFR). California's enforcement primacy, and local administration of the Private Applicator Certification Program, is dependent upon adherence to the requirements of FIFRA and 40 CFR. DPR's Private Applicator Certification Program is intended to fulfill state and federal requirements.

Private applicator certification, carried out by CACs, allows growers and other persons to handle or supervise the handling of Restricted Use Pesticides (RUP), so designated by the U.S. EPA; DPR refers to RUPs as "restricted materials" and has designated some additional pesticides as restricted. The Private Applicator Certification Program allows applicants to demonstrate a higher level of competency in pesticide use-related activities, especially those pertaining to the use of restricted materials. The certification examination tests the applicant's knowledge of pesticide label directions and restrictions on use, calibration, pest control equipment, pest identification and problems, worker and environmental protection, and state laws and regulations. Private applicator certification also allows the certificate holder to conduct training for employees who will handle pesticides or enter treated fields to conduct fieldwork.

### **REFERENCES**

1. Manual of Procedural Guidance for Pesticide Enforcement Personnel – available online;
2. California Code of Regulations, Title 3 (3CCR) – available online;
3. California Food and Agricultural Code, Divisions 6 and 7 (FAC) – available online;
4. Various "Enforcement Letters" (ENF) – 1997 and later available online.

### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress, records, documents, forms; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as attending continuing education presentations by the county and private applicator certification examinations, etc.; note problems and discuss with CAC or appropriate CAC staff.

## **Private Applicator Certification Template**

### **EXPECTATIONS AND ANALYSIS**

- 1. The CAC ensures private applicator certificate applicants are qualified to take the examination.**
  - Briefly describe the process by which the CAC determines the applicant is qualified to take the private applicator certificate examination.
    - Does the CAC ensure the applicant is a “private applicator”, as defined by 3CCR section 6000, instead of a “commercial applicator?”
- 2. The CAC ensures private applicator certificate and renewal applications are complete.**
  - The Private Applicator Certificate Application (and renewal) form is complete.
    - Any additional information required by the CAC is consistent with the requirements of FAC section 14091.
- 3. The CAC's procedures for examining private applicators are consistent with DPR policies and procedures.**
  - Briefly describe the CACs procedures for examining private applicators.
    - Under what situations does the CAC allow an oral examination?
    - Is the CAC's oral examination criteria consistent with the requirements of FAC section 14092 and 3CCR sections 6510 and 6511?
- 4. The CAC issues private applicator certificates only to those applicants who achieve a passing score of 70% or higher.**
  - a. Is the CAC's procedure consistent with the requirements of FAC section 14093?
  - b. Briefly describe the CAC's policy/procedure for reexamining applicants who do not achieve a passing score of 70%.
    - Is the policy/procedure consistent with the provisions of FAC section 14094?
- 5. The CAC may establish a program to certify employees other than the property operator or the property operator's authorized representative in a manner consistent with DPR's policies and procedures.**
  - a. Briefly describe the CAC's program to certify employees other than the property operator or property operator's authorized representative.
  - b. Is the CACs program conducted in accordance with FAC section 14097 and FAC Division 7, Chapter 3.4?

**Private Applicator Certification Template, continued**

- 6. The CAC follows DPR's policies and procedures for refusal, revocation, suspension of certificate(s), and appeals.**
  - a. Describe the CACs criteria for determining whether to refuse, revoke or suspend a private applicator certificate.
    - Is the criteria consistent with FAC section 14098?
  - b. Describe the CACs procedure for refusing, revoking or suspending a private applicator certificate.
    - Is the procedure consistent with FAC section 11512.5?
  - c. Describe the CAC's appeal procedure, if not described previously.



## **County Registration/Notification of Licensees**

### **DESCRIPTION**

Licensed pest control businesses, pest control advisers, pest control aircraft pilots, and farm labor contractors, must register with the county agricultural commissioner (CAC) prior to conducting business in the county; Structural Pest Control Board licensees must notify the CAC prior to conducting business in the county. Registration/notification facilitates the CAC's ability to monitor commercial pest control activities and to assure that licensees possess proper qualifications before doing business in the county. The CAC may refuse, revoke or suspend a licensee's registration for violations of state laws and regulations.

### **REFERENCES**

1. California Food and Agricultural Code, Divisions 6 and 7 (FAC) - available online;
2. California Code of Regulations, Title 3 (3CCR) - available online;
3. California Labor Code (LC), section 1695 - available online;
4. Manual of Procedural Guidance for Pesticide Enforcement Personnel - available online;
5. Various "Enforcement Letters" (ENF) - 1997 and later available online.

### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress and records; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as licensee registration activities during permit issuance season (if records indicate the county's program does not appear to be effective); note problems and discuss with CAC or appropriate CAC staff.

## County Registration/Notification of Licensees Template

### EXPECTATIONS AND ANALYSIS

1. **The CAC has a process for registering pest control businesses, pest control advisers, pest control aircraft pilots, and farm labor contractors.**
  - Briefly describe how the CAC registers pest control businesses, pest control advisers, pest control aircraft pilots and farm labor contractors.
    - Are the CAC's registration procedures consistent with FAC sections 11732, 11921, 11922, 12031, and 12032; 3CCR section 6542; and Labor Code (LC) section 1695?
    - Briefly describe any county policies and procedures that might improve upon the county registration process on a statewide level.
2. **The CAC has a process for handling notifications from structural pest control businesses.**
  - Briefly describe how the CAC processes structural notifications (*required before they operate in the county*).
    - Is the CAC's process consistent with FAC section 15204?
    - Briefly describe any county policies or procedures that might improve upon the structural notification process on a statewide level.
3. **The CAC registers farm labor contractors and provides proof of registration.**
  - a. Briefly describe how the CAC registers farm labor contractors.
    - Is the CAC's process consistent with LC section 1695 (a)?
  - b. Does the CAC provide proof of registration to farm labor contractors?
    - Is the proof of registration consistent with LC section 1695(a)?
4. **The CAC refuses, revokes or suspends a licensee's registration when necessary.**
  - a. Briefly describe the CAC's criteria for determining whether to refuse, revoke or suspend a licensee's registration.
    - Is the criteria consistent with FAC sections 11735, 11924 and 12035?
  - b. Briefly describe the CAC's procedure for refusing, revoking or suspending a registration.

## **Restricted Materials Permit System**

### **DESCRIPTION**

California's Pesticide Regulatory Program is intended to protect the public health, farm workers, domestic animals, honeybees, the environment, wildlife or crops from hazards which may associated with the use of pesticides. The Restricted Materials Permit (RMP) System is one component of the California program.

The Department of Pesticide Regulation's (DPR's) Restricted Materials Permit System is designed to consider the environmental impacts of the permitted use and to fulfill the requirements necessary to be certified as the functional equivalent to the Environmental Impact Report (EIR) process required by the California Environmental Quality Act (CEQA) before a government-sponsored or permitted project can proceed. The program was certified, as a functional equivalent to the EIR process, by the Resources Agency in 1979.

The Restricted Materials Permit System is also designed to accommodate widely divergent local needs. The county agricultural commissioners (CACs) administer the program at the local level. They ensure that permits are: site and time specific; are evaluated and documented in regard to environmental impacts, mitigation measures and consideration of alternatives to the use of the restricted material. When appropriate, the CAC may attach conditions to a permit requiring the use of mitigation measures or may deny the permit if there is a feasible alternative when there may be significant adverse environmental impacts from the use of the restricted material.

The key components of DPR's involvement in this process are that it must provide the following: 1) A pesticide registration and classification process that identifies hazards; 2) A licensing and certification program to ensure that applicators of restricted materials are qualified; and 3) Ensure the county's restricted materials permitting activities meet all the requirements of the functional equivalency certification.

### **REFERENCES**

1. California Food and Agricultural Code, Divisions 6, 7 and 13 (FAC) - available online;
2. California Code of Regulations, Title 3 (3CCR) - available online;
3. California Code of Regulations, Title 14 (14CCR) - available online;
4. Restricted Materials Permits Manual - available online;
5. Inspection Procedures Manual - available online;
6. Manual of Procedural Guidance for Pesticide Enforcement Personnel - available online;
7. Various "Enforcement Letters" (ENF) - 1997 and later available online.

**Restricted Materials Permit System, continued**

LIAISON/EVALUATOR GUIDANCE

*Quarterly:* Review progress, records, permits, pest control evaluations of RMP applications, etc.; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support this element, such as permit issuance, notice of intent review process, pre-site inspection and selection process; permit condition development, etc.; note problems and discuss with CAC or appropriate CAC staff.

## **Restricted Materials Permit System Template**

### **EXPECTATIONS AND ANALYSIS - PERMIT APPLICATION EVALUATION**

- 1. The CAC ensures only a qualified representative of the commissioner issues restricted materials permits.**
  - a. Identify the level of staff who issue restricted materials permits, and if necessary, list the licenses they possess. *"Qualified representative of the commissioner" means a deputy commissioner or biologist / inspector who holds an appropriate certificate (license) of qualification issued by the California Department of Food and Agriculture (FAC sections 13, 39, and 2101 et seq., and 3CCR section 109). Personnel who possess a pesticide use enforcement license, or deputy or commissioner license, may issue restricted materials permits.*
  - b. Briefly describe how the CAC assures only qualified personnel evaluate and issue restricted materials permits.
- 2. The CAC ensures permit applicants are qualified/meet requirements to hold a restricted materials permit.**
  - a. Briefly summarize how the CAC determines a permit applicant is qualified to hold a restricted materials permit. *Permits for the agricultural use of restricted materials may only be issued in the name of the operator of the property to be treated. The permit may be signed by the permittee, the permittee's authorized representative, or a licensed pest control advisor. Permits for nonagricultural uses may be issued in the name of the property operator or a pest control business. The permittee or the permittee's authorized representative may sign nonagricultural permits.*
    - Is the CAC's criteria consistent with 3CCR section 6420 and the Restricted Materials Permit Manual?
  - b. Briefly describe how the CAC determines a person is authorized to sign the permit if the person is someone other than the property operator.
    - Is the CAC's criteria consistent with 3CCR section 6420?
- 3. The CAC issues restricted materials permits for the time period(s) allowed by law.**
  - Are permits issued in compliance with FAC section 14007 and 3CCR section 6422? *A restricted materials permit may be issued for a maximum period of one year, except for permits issued for perennial agricultural plantings, nonproduction agricultural sites, or nonagricultural sites, which may be issued for a maximum of three years.*

**Restricted Materials Permit System Template, continued**

- 4. The CAC ensures restricted materials permits and Notices of Intent (NOI) contain all necessary information.**
  - a. How does the CAC ensure restricted materials permits and NOIs contain all of the information required by 3CCR sections 6428, 6430 and 6434?
  - b. How does the CAC identify all known areas that could be adversely impacted by the use of restricted materials?
  - c. Briefly describe the CAC's procedure for collecting and reviewing NOIs before the application begins?
  - d. Briefly describe the CAC's procedure for amending permits?
    - Does the CAC document, date and sign amendments in a manner that would allow a person reviewing the permit to see when and how that a permit was amended?
  
- 5. The CAC determines whether a substantial adverse environmental impact or health effect may result from the use of a restricted material before issuing a permit and when evaluating a NOI.**
  - a. Briefly describe the CAC's criteria for determining whether a proposed application of a restricted material may result in a substantial adverse environmental impact or health effect.
    - How does the CAC utilize knowledge of local conditions to evaluate substantial adverse impacts and determine feasible alternatives or mitigation measures?
    - How does the CAC utilize other information to make determinations about the proposed application? For example, does the CAC follow DPR's recommended permit conditions and/or use information from previous years pest control inspections and investigations?
    - Is the CAC's evaluation process consistent with 3CCR section 6432 and the Restricted Materials Permit Manual?
  - b. Briefly describe the CAC's criteria for evaluating a NOI.
  - c. Briefly describe the CAC's criteria for evaluating sensitive sites.

### **Restricted Materials Permit System Template**

- 6. The CAC identifies feasible mitigation measures that significantly reduce the environmental impact of a proposed application of a restricted material and includes them as a permit condition.**
  - Briefly describe the CAC's process after determining a substantial adverse environmental impact is likely to occur from the use of a restricted material.
    - How does the CAC utilize knowledge of local conditions to reduce substantial adverse environmental impacts and offer alternatives or feasible mitigation measures?
    - How does the CAC utilize other information to make determinations about the proposed application? For example, does the CAC follow DPR's recommended permit conditions and/or use information from previous years pest control evaluations and investigations?
- 7. The CAC denies permits when there are feasible alternatives to significantly reduce the environmental impact of a proposed application of a restricted material.**
  - Briefly describe the CAC's denial process.
    - Is the CAC's denial processes consistent with "notice" concepts found in FAC sections 12825 and 14006.5?
- 8. The CAC honors public requests to review permits and issues a decision when there is a request to review a permit.**
  - a. Briefly describe how the CAC responds to permit review requests.
    - Is the CAC's process consistent with FAC section 14009 and 3CCR section 6442?
  - b. Briefly describe how the CAC responds to permit and NOI denials.
    - Is the CAC's process consistent with FAC section 14009 and 3CCR section 6442?

**Restricted Materials Permit System Template, continued**

**EXPECTATIONS AND ANALYSIS - PERMIT MONITORING**

- 1. The CAC monitors sites identified in restricted materials permits or NOIs for agricultural use.**
  - a. Briefly describe the CAC's criteria for selection to monitor permits or application sites or NOIs.
    - Is the selection criteria consistent with the Inspection Procedures Manual?
  - b. Does the CAC prioritize monitoring of sensitive sites or applications to reduce hazards?
  - c. Does the CAC monitor sites identified in permits or NOIs in accordance with 3CCR section 6436?
    - If not, what percent of permits or NOIs were monitored?
    - If not at least 5%, what reason(s) does the CAC provide?
- 2. The CAC ensures that staff conducts at least one use monitoring inspection for each nonagricultural permit holder every year.**
  - a. Did the CAC ensure that there was at least one use monitoring inspection for each nonagricultural permit holder in accordance with 3CCR section 6436?
    - If not, what percentage of nonagricultural permit holders were inspected?
    - If not, what reason(s) does the CAC provide for not inspecting every nonagricultural permit holder?



## **Negotiated Work Plan**

### **DESCRIPTION**

The Negotiated Work Plan (NWP) is an issues-based concept intended to provide the Department of Pesticide Regulation (DPR) and the county agricultural commissioners (CACs) with a plan to implement joint program goals and set reasonable performance levels based upon available program resources. Some of the benefits of the NWP are better coordination of enforcement efforts, improved statewide compliance levels, better planning for compliance assurance activities, prudent resource allocation, and clearer communication between DPR and CACs.

One key component of the NWP is the DPR Prioritization Plan. The Prioritization Plan communicates DPR's priorities for improving certain enforcement goals within the State Pesticide Regulatory Program. Compliance improvement, program development and training initiatives are each parts of the Prioritization Plan and they are of equal weight statewide; however, they will vary in importance and applicability in each county. The annual DPR Prioritization Plan is developed from a various sources of information, including the Compliance Assessment Program, Pesticide Illness Surveillance Program Report, Enforcement Action Tracking System (enforcement and compliance action database), and Pesticide Regulatory Activities Annual Reports (formerly known as "Report 5") submitted by the CACs.

The NWP does not require counties to conduct Pesticide Use Enforcement activities that are not eligible for mill assessment fund disbursement. Numeric "targets" are optional in the issues-based NWP. DPR encourages use of numeric targets only for the purpose of assisting the county to assess their own progress.

### **REFERENCES**

1. DPR Prioritization Plan for the period being evaluated - available online;
2. DPR's Negotiated Work Plan Process and Example - available online;
3. The County's Negotiated Work Plan for the evaluation period - not available online;
4. Various "Enforcement Letters" (ENF) – 1997 and later available online.

### **LIAISON/EVALUATOR GUIDANCE**

*Quarterly:* Review progress, documents, activities; note problems and discuss with CAC or appropriate CAC staff.

*When possible:* Observe or participate in activities to support elements of the NWP, specifically Focused Activities; note problems and discuss with CAC or appropriate CAC staff.

## **Negotiated Work Plan Template**

### **EXPECTATIONS AND ANALYSIS**

- 1. The CAC uses the NWP process to improve the county program.**
  - a. Briefly describe the county's NWP and key objectives.
  - b. Were the objectives consistent with the DPR Prioritization Plan?
    - Briefly describe (in bullets, if possible) the county's "targeted" inspection objectives.
    - Briefly describe (in bullets, if possible) the county's staff training and development objectives.
    - Briefly describe (in bullets, if possible) the county's "focused activities" objectives.
    - Did the CAC seem to resist the planning process or development of a proposal?
      - Was the plan/proposal submitted to DPR in a timely manner?
      - Describe difficulties with the planning process, if any.
- 2. The CAC fulfills the targeted inspection, staff training and development, and focused activity objectives of their NWP.**
  - Did the CAC fulfill the objectives of their plan?
    - If yes, did the county exceed or meet or substantially meet their objectives?
      - Provide examples if the county exceeded their objectives.
    - If no, did the county nearly meet their objectives?
    - If no, provide examples.
    - If no, were staffing or resource issues not anticipated at the time of negotiating or renegotiating the plan?
    - If no, did the CAC seem to ignore the plan?
- 3. The CAC tracks workload to measure progress related to the NWP.**
  - a. Was the CAC generally able to provide periodic or requested progress reports?
    - Did the CAC use a progress-tracking system?
    - If yes, briefly describe.
  - b. Did the CAC regularly discuss progress and difficulties with the Senior Pesticide Use Specialist/Liaison?

**Negotiated Work Plan Template, continued**

4. **The NWP proposal, objectives, implementation, and reporting deliverables generally meet DPR's expectations.**
  - a. Did the NWP proposal, objectives, implementation and reporting deliverables generally meet DPR's expectations?
    - Did they exceed DPR's expectations?
    - If yes, briefly describe.
    - If no, briefly describe.
  - b. Did the CAC provide the project reports for focused activities in a timely manner?
    - Were the final project reports for focused activities adequate?
    - If not, briefly describe.

## **PESTICIDE PROGRAM EFFECTIVENESS EVALUATION PROCESS IMPLEMENTING EXECUTIVE OFFICE #02-03**

### **DOCUMENTATION OF EFFECTIVENESS EVALUATION FINDINGS**

The evaluator conducts the effectiveness evaluation throughout the fiscal year. The evaluator should immediately notify the county agricultural commissioner (CAC) of any issues found that could negatively impact the county's effectiveness evaluation. Use the Issue Review form to document discussions with the CAC or staff. Unresolved issues should be documented in letter format and mailed to the CAC (send copies to the Regional Supervisor, Program Supervisor and Chief).

Since there is no provision for a formal mid-year report, the evaluator should have documentation that every component marked "does not meet" has previously been brought up to the CAC, giving the CAC reasonable time to correct it. If it was discussed orally with the CAC or with a deputy, the evaluator should write a letter to the CAC documenting the date and time of the discussion and what was covered or agreed on (attach a copy of the Issue Review form).

### **WRITING THE EFFECTIVENESS EVALUATION REPORT**

For purposes of developing the annual Effectiveness Evaluation, this document contains a "template" (or standardized paragraph outline) for the Senior Pesticide Use Specialist (Evaluator) to use when conducting evaluations of the county program. For this year, the Effectiveness Evaluation will be presented in a standardized narrative form.

The templates address each Essential Program Element. The Essential Program Element is followed by a numbered "expectation" and a series of questions to "analyze" whether the expectation was met. Each numbered expectation and the following "analysis" questions are the basis for a standardized narrative paragraph.

For the opening sentence of the paragraph, the Evaluator will respond to the expectation with a complete sentence, positively or negatively. Then, the Evaluator should address each of the lettered "analytical" questions to support the opening sentence. Although some of the questions are subjective, to the greatest extent possible, the Evaluator should answer in a factual manner, with the addition of examples or descriptions as necessary. The "bullet" questions are optional and are intended to provide additional information to support statements. The Evaluator may make additional, appropriate comments or statements, if necessary or valuable.

Some of the analysis questions may seem duplicative; they are not. They simply provide a framework for a standard, easy-to-read, narrative report.

An effectiveness evaluation report for the previous fiscal year must be completed and sent to each CAC by August 15. The report must address each expectation of each essential element. For each element provide:

A description of the evaluation results

For each of the numbered expectations in a specific essential program element, the evaluator will write a paragraph that covers each of the questions or issues raised in the analysis. The analysis describe how the CAC addresses each expectation. List the strong points and weak points of the program for each expectation. This part of the report should be factually stated and should not contain references or judgments that cannot be directly substantiated by specific facts.

An assessment of the effectiveness

The evaluator must assess the effectiveness of each expectation of each essential element by assigning one of the three terms listed in Title 3 California Code of Regulations (3CCR) section 6394, which are “meets”, “exceeds”, and “does not meet.” If it meets or exceeds applicable standards, the evaluator is not required to say anything additional as there should be no corrective actions needed. However, if there are outstanding aspects that deserve complements or if there are suggested (optional) changes that the CAC may want to consider to perhaps increase efficiency, they may be included in the evaluation results. Base the assessment on the listed references for the element.

Needed corrective actions

For essential element expectations that do not meet the standards, the CAC and the evaluator must jointly develop corrective actions. This does not mean that the CAC has “veto” authority over the evaluator’s recommendations. The CAC has the right to make comments and the evaluator is obligated to address the CAC concerns. However, if the evaluator’s position has been properly documented and is supported by adequate evidence, the evaluator should not compromise his or her position. The resolution at that point is the appeal process.

**DISTRIBUTION OF EFFECTIVENESS EVALUATION REPORT**

The evaluator should complete the effectiveness evaluation report, have it reviewed by the Regional Office Supervisor, and present it to the CAC. The report is not actually “final” until the CAC has had a chance to review it and make an appeal if he or she wishes. Copies of the report should not be distributed outside of DPR until the report is final. (See Commissioner Appeals, below). (Send copies to the Regional Supervisor, Program Supervisor, Chief, and County Liaison.)

## COMMISSIONER APPEALS

The CAC may appeal to the Director to resolve conflicts concerning the evaluation results and the effectiveness assessment. If there is an appeal, the report is not considered final until the appeal process is concluded and corrective actions agreed upon. At that point it can be generally distributed. CACs have been requested to inform the Enforcement Branch Chief of an intent to appeal within two weeks of receiving the completed report from the evaluator.